

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES,

Plaintiff,

-against-

GERMAN DARIO POLANCO,

MEMORANDUM AND ORDER

Case No. 1:07-cr-00780-FB-1

Defendants.

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Appearances:

For the Plaintiff:

MARK J. LESKO
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Eastern District of New York
By: BENJAMIN WEINTRAUB
Assistant United States Attorney
271 Cadman Plaza East
Brooklyn, NY 11201

For the Defendant:

GERMAN DARIO POLANCO
Pro Se
U.S. Penitentiary, Coleman (Medium)
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P.O. Box 1032
Coleman, FL 33521

BLOCK, Senior District Judge:

Defendant German Dario Polanco, *pro se*, moves for compassionate release under the First Step Act, 18 U.S.C. § 3582. *See* ECF No. 180. He asks the Court to reduce his sentence and permit him “to serve the rem[a]inder of his sentence on probation or supervised release.” *Id.* at 3.

Polanco is serving a life sentence for orchestrating the murder of two people who he believed had stolen over \$300,000 in drug money from a stash house. Polanco’s victims – one of whom was only 14 years old at the time of his death –

were not responsible for the theft of Polanco's drug money. Polanco was arrested for these murders in May 2007, while already in federal custody for a separate narcotics conviction. In a March 2010 trial conducted by Judge David G. Trager, Polanco was convicted of two counts of murder in furtherance of a continuing criminal enterprise and two counts of murder through the use of a firearm.

Polanco's motion for compassionate release is denied. Although Polanco is 59 years old and suffers from a variety of ailments,¹ his medical issues do not constitute "extraordinary and compelling circumstances" to justify his release. *See, e.g., United States v. Rivers*, 2020 WL 5043931, at *1 (E.D.N.Y. Aug. 26, 2020).

Moreover, "[e]xtraordinary and compelling reasons alone are insufficient to grant compassionate release. [Where] the Court finds that the § 3553(a) factors weigh against compassionate release, [the defendant's] motion must be denied."

United States v. Jaquez, 2021 WL 857364, at *3 (S.D.N.Y. Mar. 8, 2021); *see also United States v. Lisi*, 440 F. Supp. 3d 246, 252 (S.D.N.Y. 2020) ("Section 3553(a) factors override, in any particular case, what would otherwise be extraordinary and compelling circumstances." (citation omitted)). This is a case where the § 3553(a)

¹ A communication from the Bureau of Prisons on August 26, 2020 notes that Polanco suffers from "headache[,] hypertension, erythemasquamous dermatosis, hyperlipidemia, psoriasis, chronic rhinitis, GERD, dyspepsia and cervicalgia." ECF No. 180 at 11. According to this communication, Polanco's "condition [is] stable," he is "not terminally ill," and his "life expectancy is normal." *Id.*

factors clearly weigh against compassionate release. Given the violent nature of Polanco's crimes – which resulted in the death of an innocent fourteen-year-old – release on probation or supervised release is unwarranted.

Polanco's motion for compassionate release is denied.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
May 10, 2021